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CHARLES ELMORE GROPLE
CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1945

No. 130

IBRAHIM J. ABDALLAH,

Petitioner

—v.—

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES
CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT

PETITIONER'S REPLY BRIEF

On the question involving the Government's procurement of the sales of the narcotic, the Government's opposing brief (p. 5) states that the entrapper "showed" the prescriptions to the agent. The record, however, clearly shows that the prescriptions were *handed over* to the agent for the Narcotics Bureau immediately upon the entrapper's emergence from petitioner's office (18, 22, 25, 26, 28, 30, 33, 36, 45, 71); thus conclusively establishing that the Government had actual possession of the prescriptions prior to the time it procured the sales of the narcotics—without which sales there could be no crime under the statute.

On the same question the Government's brief (p. 8) cites *Farber v. United States*, 114 Fed. 2d 5, 10 (C. C. A. 9),

certiorari denied, 311 U. S. 706. In that case the Government Agents merely stood by and observed the defendant commit and complete the crime solely by his own acts. There is nothing in that decision which would approve the completion of the crime, or the performance of any essential element thereof, by the Government.

Respectfully submitted,

SAMUEL RUBINTON,
Attorney for Petitioner.

CHARLES WILSON,
On the brief.

